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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David PASCUAL *et al.*

Application No.: 09/068,935

Filed: May 21, 1998

For: THERAPEUTIC AND DIAGNOSTIC
AGENTS FOR THE TREATMENT OF
MICROBIAL INFECTIONS

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)
) Group Art Unit: 1644
)
) Examiner: Phillip Gambel
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)
)

Commissioner for Patents
Washington, D.C. 20231
BOX SEQUENCE

TRANSMITTAL FORM FOR AMENDMENT TO COMPLY WITH
THE SEQUENCING RULES UNDER 37 C.F.R. §§ 1.821-1.825

1. Transmitted herewith is an Amendment under 37 C.F.R. §§ 1.821-1.825 responding to the Office Action dated March 29, 2000 (Paper No. 10).
2. Additional papers enclosed:
 - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ references included
 - ☐ Appeal Brief (in triplicate)
 - ☒ Statement Accompanying Sequence Listing
 - ☒ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicants' petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$190.00
<input type="checkbox"/> three months	\$ 870.00	\$435.00
<input type="checkbox"/> four months	\$1,360.00	\$680.00
<input type="checkbox"/> five months	\$1,850.00	\$925.00

Extension of time fee due with this request: \$0.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for ___ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	54	minus	54	0	x \$18 each=	+ \$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	14	minus	14	0	x \$78 each=	+ \$ 0.00
[] First presentation of Multiple dependent claim(s)					\$260.00	+ \$ 0.00
SUB-TOTAL =						\$ 0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$ 0.00

6. Fee Payment

[] No fee is to be paid at this time.

[] Check No. _____ in the amount of \$_____ for _____ and _____ is enclosed. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: _____

Reid G. Adler

Reg. No. 30,988

Dated: May 1, 2000

CUSTOMER NO. 09629

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